

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA YEAKEL,

Plaintiff

v.

CLEVELAND STEEL CONTAINER CORP.,

Defendant

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CIVIL ACTION

NO. 09-5680

Order

AND NOW, this 10th day of February 2011, upon consideration of defendant's motion to dismiss the amended complaint, or in the alternative, for summary judgment (Document No. 12), plaintiff's brief in opposition to the motion, and defendant's reply, **IT IS HEREBY ORDERED** that

(1) defendant's motion to dismiss is **DENIED** as to Count I ("Title VII violations") as to the claim of retaliation occurring in January 2007, but the remainder of the motion as to Count I is **GRANTED**.

(2) defendant's motion to dismiss is **GRANTED** as to Count II ("Pennsylvania Human Relations Act").

(3) the court will not convert the motion into one for summary judgment.

(4) trial is scheduled for May 9, 2011 at 10 A.M.

s/ William H. Yohn, Jr.

William H. Yohn, Jr., Judge